

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**IN RE: DEALER MANAGEMENT SYSTEMS
ANTITRUST LITIGATION**

**MDL No. 2817
Case No. 18 C 864**

**This filing relates to the Dealership
Class Action**

**DEFENDANT THE REYNOLDS AND REYNOLDS COMPANY'S MOTION TO
DISMISS THE REYNOLDS DEALER PLAINTIFFS' CLAIMS IN FAVOR OF
ARBITRATION PURSUANT TO RULE 12(B)(3) AND STAY REMAINING CDK
DEALER CLAIMS; OR IN THE ALTERNATIVE TO DISMISS THE CONSOLIDATED
CLASS ACTION COMPLAINT PURSUANT TO RULE 12(B)(6)**

Defendant The Reynolds & Reynolds Company hereby moves under Federal Rule of Civil Procedure 12(b)(3) to dismiss the claims against it by Plaintiffs John O'Neill Johnson Toyota, Gregoris Motors, Inc., Hoover Automotive, LLC (d/b/a Hoover Dodge Jeep of Summerville); Jim Marsh American Corporation (d/b/a Jim Marsh Mitsubishi Suzuki Kia Mahindra); and Teterboro Automall, Inc. (d/b/a Teterboro Chrysler Dodge Jeep Ram); and Pitre, Inc. (d/b/a Pitre Buick GMC) in favor of individual arbitrations in Dayton, Ohio as required under the parties' arbitration agreements. Reynolds further moves for a stay of the Dealership Class Action or, in the alternative, of the remaining CDK dealer plaintiffs' joint-and-several claims against Reynolds, pending the completion of the Reynolds dealer plaintiffs' arbitrations.

In the alternative, Reynolds moves under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Dealership Class Complaint for failure to state a claim on which relief can be granted.

In support of this Motion, Reynolds incorporates by reference the memorandum of law filed concurrently herewith, any reply memorandum that Reynolds may file, and any oral argument that the Court may allow at a hearing on this Motion.

Dated: July 18, 2018

Respectfully submitted,

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*Attorneys for Defendant and Counterplaintiff The
Reynolds and Reynolds Company*

CERTIFICATE OF SERVICE

I, Aundrea K. Gulley, an attorney, hereby certify that on this 18th day of July, 2018, I caused a true and correct copy of the foregoing Motion to Dismiss the Reynolds Dealer Plaintiffs' Claims in Favor of Arbitration and Stay Remaining Claims; Or, in the Alternative, Motion to Dismiss the Consolidated Class Action Complaint Pursuant to Rule 12(b)(6) to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

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